

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2000-511-S - ORDER NO. 2001-060
JANUARY 25, 2001

IN RE: Petition of Carolina Water Service, Inc. for)	ORDER GRANTING
Approval of an Agreement with Georgetown)	LEAVE TO TAKE
County Water and Sewer District for Bulk)	DEPOSITION
Sewer Collection Service.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of Carolina Water Service, Inc. (CWS or the Company) pursuant to Commission Regulation 103-852 and SCRCP Rule 30(b)(6) for permission to take the deposition by oral examination, for all purposes allowed by the rules, before an officer duly authorized to administer oaths, and continuing day to day until completed, of the one or more persons/agents/employees designated by the City of Georgetown as being qualified to testify to the subject matter associated with the certain described documents that CWS is requesting be produced by the City of Georgetown. The Company is also seeking issuance of a Subpoena Duces Tecum for the production of these described documents.

According to CWS, the proposed deposition will provide factual support for the fact that a major wastewater discharger in an area adjacent to the Lincolnshire/Whites Creek subdivision is also experiencing high wastewater flows per customer; thereby showing that this condition is prevalent to the area and not just to Carolina Water Service's Lincolnshire/Whites Creek facility.

Regulation 103-852 states that any party of record to a proceeding may, by written request, ask this Commission for leave to take the testimony of any witness by deposition. If this Commission deems the request meritorious, it may issue an Order containing certain information, such as the name of the individual whose deposition may be taken, the subject matter of the examination, and setting forth the time and place of such deposition, and whether it will be written or oral examination. Rule 30(b)(6) SCRCF, however, allows a party to designate a governmental agency for a deposition, which must then designate an individual to appear at a deposition. Although we find the request meritorious in this instance, we are not aware of the individual to be designated by the City of Georgetown at this time, and we will therefore waive this portion of the regulation as to what must be provided in our Order, as well as the time and place of such deposition. We do, however, find that the deposition may be held regarding the subjects described in counsel for CWS' January 10, 2001 letter, and that the examination shall be oral. (Although we find the request to take the deposition meritorious for discovery purposes at this time, we take no position as to whether any evidence elicited from said deposition would be admissible into the evidence of the case. We will make that judgment if and when such evidence is proffered at the hearing in this matter.)

In any event, we hold that the described documents may be examined by CWS on February 20, 2001. If a deposition is still necessary, it shall be held on March 1, 2001, at such place as may be arranged by the parties in this case. The deposition shall be held under the auspices of Commission Rule 103-852. In areas not covered by Regulation

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103-852, the South Carolina Rules of Civil Procedure apply, as per our Regulation 103-854. Further, the requested Subpoena Duces Tecum may be issued.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)